



# The Washington Report

The Newsletter of the National Association of Police Organizations  
*Representing America's Finest*

December 20, 2018



## NAPO's 26th Annual TOP COP AWARDS®

May 12, 2019

*Don't let your TOP COPS nominations get lost in the holiday shuffle! The January 11<sup>th</sup> deadline for nominations will be here before you know it.*

Please take the time to nominate examples of outstanding police work for this prestigious award. We count on you, our members, to help us get the word about TOP COPS out and obtain nominations for officers nationwide. Join us in honoring America's Finest by nominating a case today. The nomination form is attached and must be postmarked or faxed to (703) 684-0515 by **January 11, 2019**. If you have any questions please do not hesitate to contact NAPO's Director of Events, Elizabeth Loranger, at [elorange@napo.org](mailto:elorange@napo.org) or (703)549-0775.

2019 will mark the twenty-sixth year that NAPO has hosted the TOP COPS Awards®. The TOP COP Awards® Dinner will take place Sunday, May 12 at the Omni Shoreham Hotel, again coinciding with National Police Week. We look forward to seeing you in Washington, D.C. this spring.

With your help and partnership, the TOP COPS Awards® will continue to be a tremendous success!

Michael McHale  
President, NAPO

Bill Johnson  
Executive Director, NAPO

## Congress Set to Pass FIRST STEP Act Despite Law Enforcement Opposition

On December 18, the Senate passed the FIRST STEP Act by a vote of 87-12 despite opposition from NAPO and a majority of the law enforcement community. NAPO was, however, able to win several concessions from the bill's sponsors before the final iteration of the bill was introduced in the Senate on December 12. Through our strong opposition to the draft language, we were able to tighten the "warden loophole", which would have allowed wardens to unilaterally decide whether an inmate could earn early release no matter what his assessed risk level; add additional violent crimes to the exclusionary crimes list; ban fentanyl traffickers from earning time credits; and curtail the bill's "safety valve" provision so that judges will have less discretion to allow traffickers with

serious criminal histories to avoid mandatory minimum sentences. The House is expected to pass the Senate version of the FIRST STEP Act before adjourning for the year on December 22.

Despite the changes to the language, NAPO still believes that the FIRST STEP Act will greatly harm public safety. The bill provides significant early release benefits to federal offenders who have *committed serious violent crimes, such as assaulting a law enforcement officer*, carjacking with the intent to cause death or serious bodily harm, and bank robbery by force or violence that puts a person's life in jeopardy. Prior to Senate consideration of the bill, NAPO worked with Senators Tom Cotton (R-AK) and John Kennedy (R-LA) on three amendments to be offered during debate to address our concerns. While the amendments did not alleviate all of our concerns, they would have been a step in the right direction towards ensuring the safety of our nation's communities. Unfortunately, all three amendments were voted down.

The Cotton-Kennedy amendments would have added additional serious violent crimes to the bill's "ineligible prisoners" list, including, assaulting a law enforcement officer with or without a deadly weapon (a majority of officer assaults are done without the use of a deadly weapon), assaulting an infant or child, and coercing a child to engage in prostitution or any sexual activity. The amendments also would have required that victims be notified before an offender can be released from prison early and mandated that the Bureau of Prisons track the re-arrest data for each prisoner who is transferred out of prison early into supervised release or pre-release custody.

With the passage of the FIRST STEP Act, NAPO remains concerned that the greatest benefits of the Act go to high-recidivism offenders – most notably, drug traffickers, the most serious of whom also receive reduced mandatory minimum sentences under the Act. If history tells us anything, this will create more crime in our communities and impose a greater resource burden on law enforcement. Additionally, it will put the lives of officers and citizens at risk.

The FIRST STEP Act includes a provision expressing the Sense of Congress that a portion of any savings from the release of thousands of federal prisoners into our communities should be reinvested into state and local law enforcement, including for the hiring and training of officers. A Sense of Congress does not equate to actual federal support and resources that will be necessary to deal with the increased stresses on state and local departments and agencies as a result of the release of these federal prisoners.

This act of Congress will lead to increased crime in our communities and NAPO strongly believes it will be incumbent on Congress to provide states and localities with the support and resources needed to keep our officers and our communities safe. Be certain, we will let members of Congress know that they are squarely to blame for any rise in violent crime as a result of the enactment of the FIRST STEP Act and they must fund state and local law enforcement programs with adequate funding to protect our communities.

## **President Trump Nominates Bill Barr for Attorney General**

President Trump announced on December 7 that he is nominating Bill Barr to serve as Attorney General. Mr. Barr served as Attorney General under President George H.W. Bush from 1991 to 1993. If confirmed, he will replace Acting Attorney General Matt Whitaker who has been in the position since November 7 when Jeff Sessions resigned. Mr. Barr is widely respected among Republicans and it is expected that he will be confirmed by the Senate in the beginning of next year.

## **NAPO Meets with FEMA Law Enforcement Liaison**

On December 6, NAPO Executive Director Bill Johnson met with Roberto Hylton, Director of the Federal Emergency Management Administration's (FEMA) Office of Law Enforcement Engagement and

Integration. NAPO members may remember Director Hylton, who has spoken at NAPO meetings in the past. The meeting took place at FEMA's headquarters in Washington, D.C.

FEMA Administrator Brock Long had asked Director Hylton to specifically reach out to NAPO, in recognition of our standing as the top representative of rank-and-file law enforcement officers in the United States. FEMA is looking to NAPO for guidance and input as part of FEMA's expanding outreach to state and local officers and agencies. In particular, FEMA is soliciting NAPO's input on national policy-making, training, exercises, and the integration of officers into response efforts. FEMA's goal is to foster what Hylton called a "culture of preparedness" among our nation's first responders, and the federal agency is seeking NAPO's participation as the representative of rank-and-file officers, when new national policies are being crafted. NAPO will be part of a small group of national organizations meeting with FEMA this coming spring to move these efforts.

NAPO will continue to make sure that the voice of rank-and-file officers is heard loud and clear in Washington, whenever decisions are being made that impact our members' daily working lives.

## **NAPO'S 31<sup>st</sup> Annual Pension & Benefits Seminar**

***Register Today!***

We invite you to join NAPO for our 31<sup>st</sup> Annual Police, Fire, EMS & Municipal Employee Pension & Benefits Seminar to be held at Caesars Palace Hotel and Casino in Las Vegas, Nevada, **February 3 – 5, 2019**. Participate in discussions on the pressing topics that are affecting your pension fund and benefits.

Topics will include: The Role of Alternative Investments, PSOB Benefits, Using Technology to Communicate, Securities Litigation Policy for Pension Plans, Medicare Options, Fiduciary Responsibility Around Investment Menu, Stable Value Funds, just to name a few!

Take an active role in improving your fund by registering for this informative seminar. The Registration Brochure is attached and check out NAPO's website at [www.napo.org/PB2019](http://www.napo.org/PB2019) for the most up-to-date agenda or to register [online](#).

If you have any questions or need additional information please do not hesitate to contact Elizabeth Loranger, NAPO's Director of Events, at [eloranger@napo.org](mailto:eloranger@napo.org) or (703) 549-0775. We look forward to seeing you in Las Vegas!

## **NAPO Protects Blue Alert Network and Ensures Passage of Ashanti Alert Act**

In a victory for NAPO, the Senate amended and passed by unanimous consent the Ashanti Alert Act (H.R. 5075) on December 6. NAPO opposed the version that passed the House as it would have integrated a new, unrelated alert system into the National Blue Alert Network that would have diminished the impact of the Blue Alert. NAPO supports the underlying goal of the Ashanti Alert, which is to help law enforcement find missing persons, so we worked closely with Senator Mark Warner (D-VA), who sponsored the Ashanti Alert Act in the Senate, to amend the legislation to remove it from the National Blue Alert Network. We also included provisions in the new language to strengthen the privacy protections of missing persons to ensure the safety of domestic abuse victims. The House passed the NAPO-endorsed Ashanti Alert Act by voice vote on December 19.

NAPO's opposition to the Ashanti Alert's inclusion in the National Blue Alert Network is due to our extensive efforts to pass the Rafael Ramos and Wenjian Liu National Blue Alert Act - named after two NYPD officers and NAPO members ambushed and executed in 2014 - to help protect our nation's law enforcement officers from

violent individuals who want to inflict harm on officers or who have already injured or killed officers and are on the run. The Blue Alert's success depends on officers, departments and the public recognizing that a Blue Alert is solely an officer safety issue. Integrating the Ashanti Alert into the Blue Alert would have risked confusion among governmental entities, broadcasters, and the public at large regarding the vital message that is being sent and also strains already-thin resources meant to protect officer safety.

With Senator Warner's amendment, the Ashanti Alert will be its own alert program, with its own identity, management and resources. NAPO was proud to support the Ashanti Alert Act of 2018 and believes its passage is a victory for law enforcement as it will help ensure that agencies and departments have the information necessary to swiftly recover missing persons and accurately inform the general public about breaking news of a missing or endangered adult.

## **NAPO Participates in PSOB Stakeholder Advisory Group Meeting**

On December 10, NAPO participated in the Public Safety Officer's Benefits (PSOB) Program stakeholder advisory group meeting, which was chaired by the Director of the Bureau of Justice Assistance (BJA), Jon Adler, and PSOB Director Hope Janke.

Director Adler began the meeting expressing that he is making it a priority to ensure that disabled public safety officers who qualify for PSOB disability benefits are given assistance in applying for the benefits. He invited Heidi Paulson with Wounded Blue and How2LoveYourCop to address the group to go over the services those organizations provide, including education on and assistance with PSOB disability benefit claims. Heidi's husband was a motorcycle officer with the Billings (Montana) Police Department when he nearly died in a motorcycle crash on duty in July 2002 that left him permanently disabled. Wounded Blue and How2LoveYourCop work very similarly to Concerns of Police Survivors (COPS) in the support they provide to disabled officers and their families.

As disabled officers are often filing claims on their own behalf and while they are still recovering both physically and mentally from their injuries, they need as much support and assistance as possible in filing their claims. Given the documents necessary to support a total disability claim and ensure its success in proving it is a permanent, catastrophic line-of-duty injury, it is the most time-intensive claim to file.

The new online system (PSOB 2.0), allows claimants to check a box stating that they want their claims shared with organizations such as COPS or police benevolent associations to help them file their claims or to have those organizations file claims on behalf of the officer or family. This is a new policy for PSOB and an important one as it allows unions and organizations to support officers and families who have just experienced a tragedy and help them get the benefits they so rightly deserve.

PSOB Director Janke then went over PSOB's performance data for the period of December 1, 2017 to November 30, 2018. The PSOB Office determined 414 death claims, 101 disability claims and 614 education claims during that time frame. For 9/11 exposure claims, the PSOB Office determined 154 death and 15 disability claims, with 102 death claims and 13 disability claims still pending. With the enactment of the final regulations over the summer, the PSOB in-house medical examiners have been able to determine 9/11 exposure claims – using the same methodology as the World Trade Center Health Program (WTCHP) – without needing a WTCHP or 9/11 Victims Compensation Fund (VCF) determination. This is especially important for 9/11 exposure claims filed prior to the 2011 implementation of the Zadroga Act, which created the WTCHP and VCF. The PSOB medical examiners have reviewed 20 claims, most of which were pre-2011 claims.

Since the passage of NAPO's priority legislation, the PSOB Improvement Act, in June 2017, the PSOB Office has made incredible strides in quickly turning around cases. 567 death and disability claims were given final

determination between June 2017 and November 2017, and 515 death and disability claims were determined in 2018. Director Adler is dedicated to ensuring this pace continues until the backlog of cases has been eliminated.

NAPO will continue working closely with Director Adler and the PSOB Office to ensure officers and their families who have suffered a death or disability receive their earned benefits. If you have any questions, please contact Andy Edmiston at [aedmiston@napo.org](mailto:aedmiston@napo.org).

## **Congress Expected to Avert Federal Government Shutdown**

Facing the possibility of government shutdown on December 21 and no agreement between Republicans and Democrats on funding President Trump's request for the border wall, Congress is expected to pass another continuing resolution funding the federal government through February 8, 2019. Congress has already passed five appropriations measures funding much of the federal government. The continuing resolution will cover the remaining seven fiscal 2019 spending bills, including the Commerce-Justice-Science (CJS) bill that covers NAPO's priority state and local law enforcement funding and grants programs. These programs will continue to be funded at their fiscal 2018 levels through February 8.

We were hoping that Congress would be able to finalize the appropriations bills and pass them as part of an omnibus appropriations package, which are famous for being year-end catchalls for must-pass provisions. As we have in previous years, we were working to include several legislative priorities as part of the omnibus, including the Protect and Serve Act and another delay of the Cadillac Tax. NAPO spent much of the past couple of months building support for the inclusion of Protect and Serve in an omnibus.

While getting the Protect and Serve Act included in whatever is the final fiscal 2019 appropriations measure becomes much more difficult next year with Democrats in control of the House, we will continue to push for the inclusion of a repeal or delay of the Cadillac Tax. Congress has until February 8 to pass fiscal 2019 appropriations and we will keep our members updated as negotiations continue in the new year.

## **NAPO's Latest Legislative Positions & Sponsor/Cosponsor Updates**

NAPO's updated "Sponsor/Cosponsor" spreadsheet is available at the following link: <http://www.napo.org/washington-report/sponsor-cosponsor-spreadsheet/>. The spreadsheet accompanies the latest "Legislative Positions" document, which is available at the following link: <http://www.napo.org/washington-report/legislative-priorities/>

The "Sponsor/Cosponsor" spreadsheet is a useful tool to check if your members of Congress have supported pieces of legislation that will impact our members. NAPO will update this spreadsheet regularly, and continue to ensure our voice is heard on Capitol Hill.

If you have any questions about any of the legislation that NAPO is currently working, please contact Andy Edmiston at: [aedmiston@napo.org](mailto:aedmiston@napo.org).

***NAPO wishes you and your loved ones a happy holiday  
and we look forward to working with you in the new year!***

**Be sure to look out for NAPO's review of the 115<sup>th</sup> Congress in early January.**